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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
00/502,215	05/17/97	LEON	046780

MM21/0510  
RICHARD JOHN ZINN HALLICK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
SUITE 800  
WASHINGTON DC 20037

EXAMINER
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LEO

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 05/10/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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PAPER NUMBER

9

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined. ☒ Responsive to communication filed on 3/26/99 ☐ This action is made final.  
A shortened statutory period for response to this action is set to expire THREE (3) month(s), --- days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐

Part II SUMMARY OF ACTION

1. ☐ Claim(s) 1-43 are pending in the application.  
Of the above, claim(s) 7-42 are withdrawn from consideration.
2. ☐ Claim(s) --- has been canceled.
3. ☐ Claim(s) --- is allowed.
4. ☒ Claim(s) 1-6 and 43 are rejected.
5. ☐ Claim(s) --- is objected to.
6. ☐ Claim(s) 7-42 are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawing(s) under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawing(s) are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on ---. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on --- has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction(s), filed on ---, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under 35 USC 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. ---; filed on ---.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Application/Control Number: 08/932,238

Art Unit: 2878

This is in response to Applicants Amendment and Election filed March 26, 1999.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities: The misspelling of "opaque electrodes" in claim 2, line 5 should be corrected.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claims 1-6 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, on line 11, the phrase "more than one light emission portion having an area" is unclear. It is unclear whether the area of each portion or of all of light emission portions. Term "that" on line 12 is confusing. The phrase "said light emission portion corresponding to each of said light receiving elements" on lines 13-14 is unclear. The manner in which one element (emission portion) is corresponding to a plurality of other elements has not been clearly defined. In addition, "said light emission portion" lacks a proper antecedent basis.

In claim 2, the antecedent basis of "the light emission portion" on line 1 is unclear. Also, the further citation in claim 2 is unclear. It appears that the elements (transparent electrode, opaque

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electrode, organic thin film) form of the light source but not each light emission portion. Clarification and correction are required.

In claim 3, the further citation in the claim is unclear. It is unclear whether or not the light blocking means is same as the blocking layer.

In claim 4, the further citation in the claim is unclear. It is unclear whether the image sensor portion is selected from a group consisting of two types of image sensors or the sensor portion is a combination of two types of image sensors.

In claim 43, "said light emitting portion" on line 6, and "said light receiving element" on line 7 lack proper antecedent bases.

Claims 5 and 6 are indefinite because they include the indefiniteness of the claim on which they depend.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

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invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Funada et al 5,101,099 or the Applicants admitted prior art (Specification pages 7-10 and Fig. 1-6B).

Funada et al disclose an image reading device comprising an image sensor portion (100) having a plurality of light receiving elements (121,122) arranged regularly facing a document (400) to be read out; and a thin film light source (20,241,242,243,244) arranged closely contacted on the document side for emitting light to the document, wherein the light source includes a plurality of light emission portions (243) each having an area (245) smaller than each receiving portion of the light receiving elements (Figures 9 and 11), and opaque electrodes (244) function as a light blocking layer. The light blocking layer is positioned between the document and the light receiving elements. The Applicants admitted prior art also disclose an image sensor device comprising a plurality of light receiving elements (1612) arranged regularly facing a document (1690) to be read out; and a thin film light source (1620) arranged closely contacted on the document side for emitting light to the document, wherein the light source includes a transparent electrode (1622), a light emission layer (1623), and an opaque electrode (1625). The opaque electrode includes a plurality of openings forming light emission portions and light blocking portions with each emission portion having an area smaller than each light receiving portion of the light receiving elements (Figures 5-6B). The opaque electrode is disposed between the light receiving elements and the document.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funada et al 5,101,099 or the Applicants admitted prior art (Specification pages 7-10 and Figures 1-6B).

Regarding claims 2 and 4, although Funada et al and/or the prior art fail to disclose an organic thin film (insulating layers) held between the transparent and opaque electrodes, the selection of a prefer material for component(s) of a device would have been a mere matter of obvious design choice to one of ordinary skill in the art, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. The similar selection of the image sensor being cited in claim 4 would have been obvious for similar reasons set forth above.

Regarding claim 5, although Funada et al and/or the prior art fail to specify the colors of light emitted from the light source, using a light source with light of different colors to maximize responsivity of the receiving elements would have been obvious in the art. It would have been obvious to modify Funada et al or the admitted prior art accordingly in order to provide a more reliable reading output from the receiving elements.

Regarding claim 6, although Funada et al and/or the admitted prior art fail to disclose an optical fiber collection member provided between the light source and the document, the use of

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optical fiber for conducting light in an image sensor is known in the art. It would have been obvious to modify Funada et al or the admitted prior art accordingly in order to minimize possible spurious response from unwanted light.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Codama et al 5,627,364 disclose an image sensor device having a thin film light source and light blocking elements.

Any inquiry concerning this communication should be directed to Examiner Le at telephone number (703) 308-4830.

Le4/30

  
Que T. Le  
Primary Examiner